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PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

00007-001

First named inventor: David P. Tremblay

Application No.: 09/702,957

Art Unit: 3723

Filed: 31 October 2002

Examiner: James G. Smith

Title: Apparatus and Method for Assisting Mechanics with the Removal and
Replacement of Brake DrumsAttention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee —required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 650 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of a Response to Restriction Requirement with Traverse (identify type of reply):

- ☐
- has been filed previously on _____
-
- ☒
- is enclosed herewith.

B. The issue fee of \$ _____.

- ☐
- has been paid previously on _____
-
- ☐
- is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

06 February 2003

Date

Richard J. Musgrave
Signature

Telephone

Number: (309) 637-4900

Richard J. Musgrave

Typed or printed name

HUSCH & EPPENBERGER, LLC

401 Main Street, Suite 1400

Address

Peoria, IL 61602

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Acknowledgement Card

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EXPRESS
CERTIFICATE OF MAILING ~~OR TRANSMISSION (37 CFR 1.103)~~

Express Mail mailing label no. EU755879305US

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as indicated in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231, Attention: E. Shirene Willis, on 6 February 2003 via "Express Mail Post Office to Addressee" service under 37 CFR 1.10.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

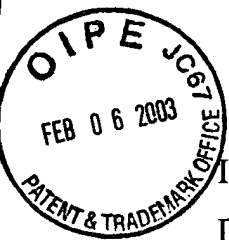
2/6/03

Date

Renee Staffeldt
Signature

Renee Staffeldt

Type or printed name of person signing certificate



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
David P. Tremblay and Karen A. Tremblay) Group Art Unit: 3723
Application No. 09/702,957)
Filed: 31 October 2000) Examiner: James G. Smith
For: *Apparatus and Method for Assisting*)
Mechanics with the Removal and)
Replacement of Brake Drums)
Attorney Docket No.: 00007-001) 06 February 2003

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231
Attn: E. Shirene Willis

PETITION FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED
PATENT APPLICATION UNDER 37 C.F.R. § 1.137(b) AND
RESPONSE TO OFFICE ACTION

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Dear Sir or Madam:

OFFICE OF PETITIONS

Applicants respectfully petition for the revival of the above-identified patent application pursuant to 37 C.F.R. § 1.137(b), which was unintentionally abandoned.

I. REQUIRED REPLY

A reply to the outstanding Restriction Requirement, dated September 06, 2001, is attached hereto pursuant to 37 C.F.R. § 1.137(b)(1).

II. PETITION FEE

The petition fee of \$650.00, pursuant to 37 C.F.R. § 1.137(b)(2) and 37 C.F.R. § 1.17(m), is enclosed herewith.


III. THE ABANDONMENT OF THE PRESENT APPLICATION WAS
UNINTENTIONAL

The applicants hereby state that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

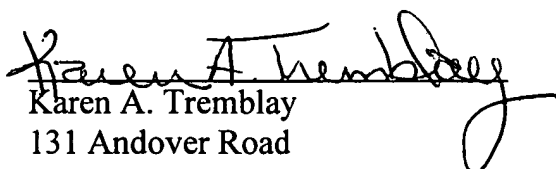
Upon review, the applicants state that a response to the Restriction Requirement was filed on or about October 5, 2001. Applicants became concerned because they had not heard back from the United States Patent and Trademark Office, so applicants contacted Examiner James G. Smith via telephone during the month of July 2002. Examiner Smith informed applicants that the application had gone abandoned and recommended that applicants file a petition stating same. Applicants filed a petition, which was denied by the United States Patent and Trademark Office in Paper No. 6, dated August 29, 2002.

Thereafter, applicants obtained counsel from Richard J. Musgrave, Reg. No. 44,960, to revive the unavoidably abandoned patent application, which was filed on October 25, 2002. The United States Patent and Trademark Office, in Paper No. 10, dated December 09, 2002, dismissed the petition.

Applicants, hereby, declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


David P. Tremblay
131 Andover Road
Billerica, Massachusetts 01821 USA

2/4/03
Date


Karen A. Tremblay
131 Andover Road
Billerica, Massachusetts 01821 USA

2/4/03
Date

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IV. CONCLUSION

Checks in the amount of six hundred and forty dollars (\$640.00) and ten dollars (\$10.00) are enclosed to cover the petition fee as set forth in 37 C.F.R. §1.17(m). The Commissioner is hereby authorized to charge any deficiency and credit any overpayment to **Deposit Account No. 08-3460** upon successful revival of this Application.

The undersigned submits that the present application became **unintentionally** abandoned and requests that the application be revived. If there are any questions or comments about this Petition, please contact the undersigned.

Respectfully submitted,


Richard J. Musgrave, Reg. No. 44,960
Husch & Eppenberger, LLC
401 Main Street, Suite 1400
Peoria, Illinois 61602
Telephone: (309) 637-4900
Fax: (309) 637-4928

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